

SENATE BILL No. 298

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-10; IC 36-2-13-5.5.

Synopsis: Sex offender residency. Makes it a Class D felony for a sexually violent predator or person who has been convicted of certain sex offenses to reside within 1,000 feet of a school, youth program center, or park. Requires the sex offender web site to identify sex offenders who are sexually violent predators or who are required to register for life.

Effective: July 1, 2006.

Long, Bray

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 298

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 10. (a) As used in this section, "offender against**
4 **children" means a person required to register as an offender under**
5 **IC 5-2-12-5 who has been:**

6 **(1) found by a court to be a sexually violent predator under:**

7 **(A) IC 35-38-1-7.5; or**

8 **(B) the law of another jurisdiction that identifies a person**
9 **as being likely to repeatedly commit a sex offense; or**

10 **(2) convicted of one (1) or more of the following offenses:**

11 **(A) Child molesting (IC 35-42-4-3).**

12 **(B) Child exploitation (IC 35-42-4-4(b)).**

13 **(C) Child solicitation (IC 35-42-4-6).**

14 **(D) Child seduction (IC 35-42-4-7).**

15 **(E) Kidnapping, if the victim is less than eighteen (18)**
16 **years of age (IC 35-42-3-2).**

17 **(F) An offense in another jurisdiction that is substantially**

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1 similar to an offense described in clauses (A) through (E).

2 (b) As used in this section, "reside" means to spend more than
3 two (2) nights in a residence in any thirty (30) day period.

4 (c) An offender against children who knowingly or intentionally
5 resides within one thousand (1,000) feet of:

6 (1) school property;

7 (2) a youth program center; or

8 (3) a public park;

9 commits a sex offender residency offense, a Class D felony.

10 SECTION 2. IC 36-2-13-5.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs
12 shall jointly establish and maintain a sex offender web site, known as
13 the Indiana sheriffs' sex offender registry, to inform the general public
14 about the identity, location, and appearance of every sex offender
15 residing within Indiana. The web site must provide information
16 regarding each sex offender, organized by county of residence. The
17 web site shall be updated at least every seven (7) days.

18 (b) The sex offender web site must include the following
19 information:

20 (1) A recent photograph of every sex offender who has registered
21 with a sheriff after the effective date of this chapter.

22 (2) The home address of every sex offender.

23 (3) The information required to be included in the sex offender
24 directory (IC 5-2-12-6).

25 (4) Whether the sex offender is a sexually violent predator.

26 (5) Whether the sex offender is required to register for life.

27 (c) Every time a sex offender submits a new registration form to the
28 sheriff, but at least once per year, the sheriff shall photograph the sex
29 offender. The sheriff shall place this photograph on the sex offender
30 web site.

31 (d) The photograph of a sex offender described in subsection (c)
32 must meet the following requirements:

33 (1) The photograph must be full face, front view, with a plain
34 white or off-white background.

35 (2) The image of the offender's face, measured from the bottom
36 of the chin to the top of the head, must fill at least seventy-five
37 percent (75%) of the photograph.

38 (3) The photograph must be in color.

39 (4) The photograph must show the offender dressed in normal
40 street attire, without a hat or headgear that obscures the hair or
41 hairline.

42 (5) If the offender normally and consistently wears prescription

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1 glasses, a hearing device, wig, or a similar article, the photograph
2 must show the offender wearing those items. A photograph may
3 not include dark glasses or nonprescription glasses with tinted
4 lenses unless the offender can provide a medical certificate
5 demonstrating that tinted lenses are required for medical reasons.
6 (6) The photograph must have sufficient resolution to permit the
7 offender to be easily identified by a person accessing the sex
8 offender web site.

9 (e) The sex offender web site may be funded from:

- 10 (1) the jail commissary fund (IC 36-8-10-21);
11 (2) a grant from the criminal justice institute; and
12 (3) any other source, subject to the approval of the county fiscal
13 body.

14 SECTION 3. [EFFECTIVE JULY 1, 2006] **IC 35-42-4-10, as**
15 **added by this act, applies only to crimes committed after June 30,**
16 **2006.**

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